

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/20/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 429, 431, 432, 433, 434, 435, 436, 437, 438, 440, 441, 442, AND 443.

RECEIVED  
MAY 20 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERHARDT  
Fire Marshal Office, PHONE 867-4081, NS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

June 13, 1994

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #433 - Miller  
1816 Turkey Point Road  
Zoning Advisory Committee Meeting of May 23, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with Chesapeake Bay Critical Area Regulations by meeting the following conditions:

1. The sum of all man-made impervious areas shall not exceed 25% of the lot. Current impervious surfaces equal 2041 square feet or 21% of the lot. The proposed swimming pool cannot exceed 389 square feet.
2. The surface under the proposed deck around the swimming pool must remain as grass.

JLP:KK:sp

MILLER/DEPRM/TXTSBD

RE: PETITION FOR VARIANCE  
1816 Turkey Point Road  
N/S Turkey Point Road at W/S of Beck  
Avenue, 15th Election Dist.,  
5th Councilmanic Dist.

Harvey A. Miller and Betty K. Miller  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

CASE NO.: 94-453-A

94-453-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

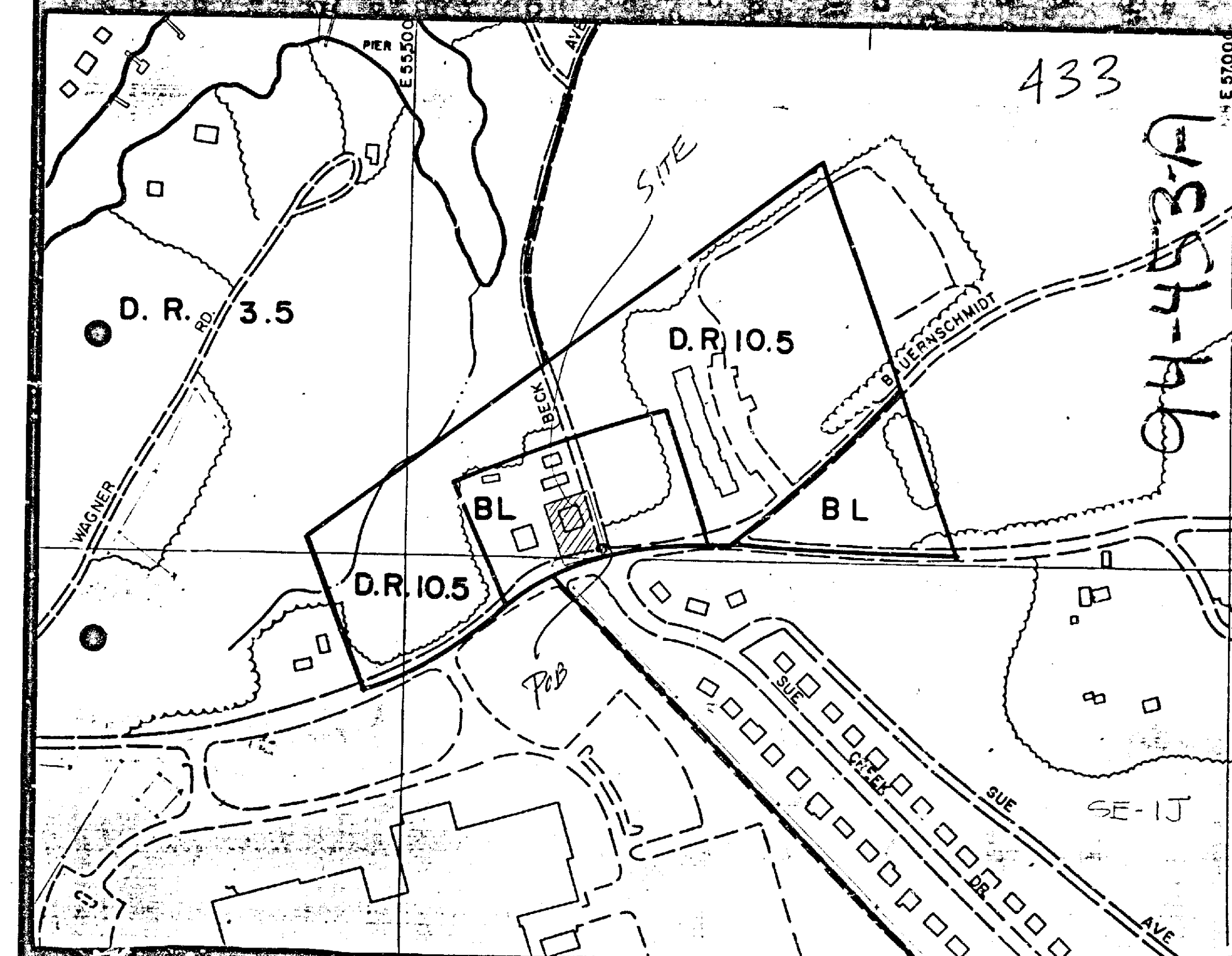
Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Harvey A. Miller and Betty K. Miller, 1816 Turkey Point Road, Baltimore, MD 21221, Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1816 TURKEY POINT RD

Subdivision name: NONE

Plat book# \_\_\_\_\_, lot# \_\_\_\_\_, section# \_\_\_\_\_

OWNER: HARVEY A. & BETTY K. MILLER

LIB 6578 FOR 458

SMSA 0720

ADJACENT RES. ZONE FOR

RES SETBACK APPLICATION IS

DR. 10.5 THIS SITE IS ZONED

BL

PETITIONER'S

EXHIBIT NO. 94-453

Runabout

BAR

BL

ZONED

EXISTING HOUSE - 1212 SFT

PROPOSED POOL - 389 SFT

TOTAL - 1601 SFT

EXISTING POOL - 389 SFT

PROPOSED POOL - 389 SFT

TOTAL - 1601 SFT

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EXISTING POOL - 389 SFT

PROPOSED POOL - 389 SFT

TOTAL - 1601 SFT

LOCATION INFORMATION

Election District: 15

Councilmanic District: 5

1"=200' scale map: SE 11

Zoning: BL

Lot size: 2071

acreage

square feet

SEWERS: ☒

WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: NA

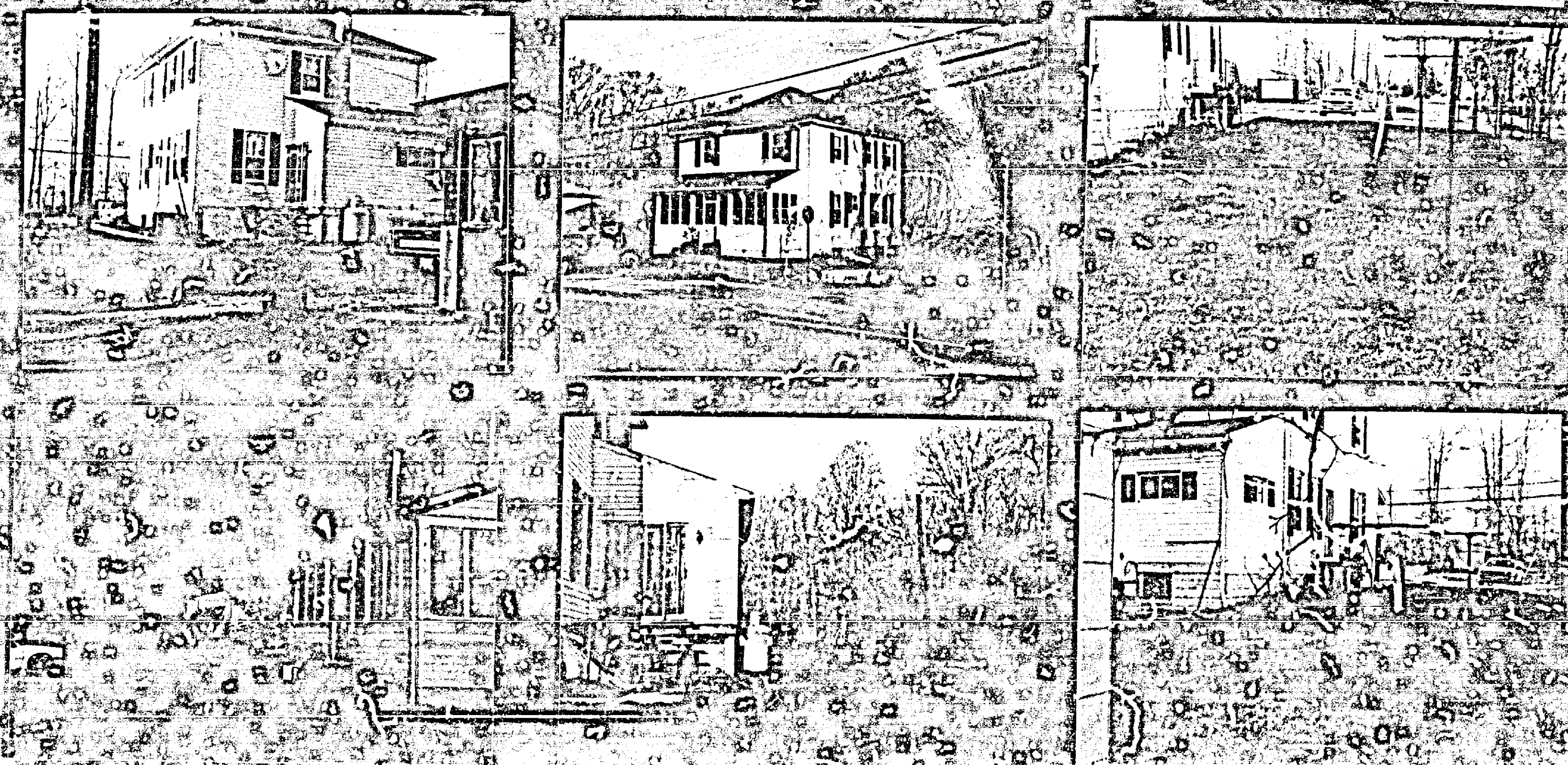
Zoning Office USE ONLY:

reviewed by: ITEM #:

453

CASE #:

Petition  
Exhibit  
2A-214  
94-453A





**CRITICAL AREA** receipt

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

Account: R-011-6150  
Number: **A33**  
By: **ULL**

Date: **5/10/94**

1 RV FILING FEE GEN OIO \$50.00  
1 ZONING CODE 080 \$35.00  
TOTAL \$85.00

Please Make Checks Payable To Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**44-453-A**

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

**Arnold Jablon, DIRECTOR**

For newspaper advertising:  
Item No.: **433**  
Petitioner: **HARVEY A. MILLER**  
Location: **1816 TURKEY POINT ROAD**  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: **HARVEY A. MILLER**  
ADDRESS: **1816 TURKEY POINT ROAD**  
PHONE NUMBER: **410 391 5359**

**MUST BE SUPPLIED**

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

**CASE NUMBER: 94-453-A (Item 433)**  
1816 Turkey Point Road  
W/S Turkey Point Road at W/S of Beck Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): Harvey A. Miller and Betty E. Miller  
HEARING: WEDNESDAY, JUNE 22, 1994 at 9:00 a.m. Rm. 106 County Office Bldg.

Variance to permit a swimming pool attached to the rear and side of an existing dwelling (with a proposed deck) to have a rear setback of 2-1/2 feet and a side yard setback of 4 feet in lieu of the required 50 feet and 10 feet, respectively.

**Arnold Jablon, DIRECTOR**

**NOTES:** (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

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**Arnold Jablon, DIRECTOR**

**cc:** Harvey and Betty Miller

**NOTES:** (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 13, 1994

Leslie M. Pittler  
Suite 610  
20 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Case No. 94-453-A, Item No. 433  
Petitioner: Ernie Lucas, Jr.  
Petition for Variance

Dear Mr. Pittler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 12, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**Zoning Plans Advisory Committee Comments**  
Leslie M. Pittler  
Date: June 13, 1994  
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,  
**W. Carl Richards, Jr.**  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR:cm  
Enclosures

**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

**Ms. Charlotte Minton**  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: **433 (JLL)**

**Dear Ms. Minton:**

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
**Bob Small**  
for **DAVID N. RANSBY, ACTING CHIEF**  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-736-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: May 25, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. ~~432~~, 432, 433, 435, 436, 437, 438, 442 and 443.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: **Jeffrey M. Long**  
Division Chief: **Gary L. Pems**

PK/JL:lw

ZAC.431/PZONE/ZAC1

IN RE: PETITION FOR VARIANCE  
N/S Turkey Point Road at  
W/S of Beck Avenue  
(1816 Turkey Point Road)  
15th Election District  
5th Councilmanic District  
Harvey A. Miller, et ux  
Petitioners  
\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-453-A  
\*  
\* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1816 Turkey Point Road, located in the Essex area of southeastern Baltimore County. The Petition was filed by the owners of the property, Harvey A. and Betty K. Miller. The Petitioners seek relief from Sections 203.1 and 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) which is to be attached to the rear and side of an existing dwelling via a proposed deck to have a rear yard setback of 2.5 feet in lieu of the required 50 feet and a side yard setback of 4 feet in lieu of the minimum required 10 feet. The subject property and relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Harvey and Betty Miller, property owners. There were no Protestants.

Testimony and evidence presented revealed that the subject property consists of 9,020 sq.ft. zoned B.U. and is improved with a two-story, single family dwelling. The Petitioners are desirous of constructing a combination swimming pool with attached decking to the side and rear of the existing dwelling as shown on Petitioner's Exhibit 1. Because the dwelling sits far back on the lot, the requested variances are necessary

in order to proceed as proposed. Inasmuch as there were no Protestants present and there were no adverse comments submitted by any County review agencies, it appears that the relief requested should be granted.

It should be noted that this property is located within the Chesapeake Bay Critical Areas near Middle River and as such, is subject to compliance with Critical Areas legislation. As a condition to the relief granted herein, the Petitioners shall be required to comply with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to insure consistency with those regulations.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be

denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of July, 1994 that the Petition for Variance seeking relief from Sections 203.1 and 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) which is to be attached to the rear and side of an existing dwelling via a proposed deck to have a rear yard setback of 2.5 feet in lieu of the required 50 feet and a side yard setback of 4 feet in lieu of the minimum required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted by DEPRM dated June 13, 1994.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 13, 1994, attached hereto and made a part hereof.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 7/21/94  
By [Signature]

- 2 -

ORDER RECEIVED FOR FILING  
Date 7/21/94  
By [Signature]

- 3 -

ORDER RECEIVED FOR FILING  
Date 7/21/94  
By [Signature]

- 4 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 21, 1994

Mr. & Mrs. Harvey A. Miller  
1816 Turkey Point Road  
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE  
N/S Turkey Point Road at W/S of Beck Avenue  
(1816 Turkey Point Road)  
15th Election District - 5th Councilmanic District  
Harvey A. Miller, et ux - Petitioners  
Case No. 94-453-A

Dear Mr. & Mrs. Miller:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception, and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File



## Petition for Variance

433  
94-453-A  
to the Zoning Commissioner of Baltimore County  
for the property located at 1816 TURKEY POINT ROAD  
BALTIMORE MD 21221  
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 203.1 AND 1802.3.C.1 TO PERMIT A SWIMMING POOL ATTACHED TO THE REAR AND SIDE OF AN EXISTING DWELLING (WITH A PROPOSED DECK) TO HAVE A REAR SETBACK OF 2 1/2 FT AND A SIDE YARD SETBACK OF 4 FT IN LIEU OF THE REQUIRED 50 FT AND 10 FT RESPECTIVELY. (SEE A BEHIND LAND ADJACENT TO A DR 10.5 FEET) (SEE A BEHIND LAND ADJACENT TO A DR 10.5 FEET) AND NOT ENOUGH DISTANCE BETWEEN REAR PROPERTY LINE AND BACK OF HOUSE TO ALLOW ERECTING OF SWIMMING POOL AND ADJOINING DECK (WILL EXPAND VERBALLY AT HEARING)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

Address

City

State

Zip

Phone No.

We, the undersigned, declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

HARVEY A. MILLER

BETTY K. MILLER

BETTY K. MILLER

BETTY K. MILLER

BETTY K. MILLER

BETTY K. MILLER

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BETTY K. MILLER



Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/20/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 429, 431, 432, 433, 434, 435, 436, 437, 438, 440, 441, 442, AND 443.

RECEIVED  
MAY 20 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERHAARD  
Fire Marshal Office, PHONE 867-4081, NS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

June 13, 1994

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #433 - Miller  
1816 Turkey Point Road  
Zoning Advisory Committee Meeting of May 23, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with Chesapeake Bay Critical Area Regulations by meeting the following conditions:

1. The sum of all man-made impervious areas shall not exceed 25% of the lot. Current impervious surfaces equal 2041 square feet or 21% of the lot. The proposed swimming pool cannot exceed 389 square feet.
2. The surface under the proposed deck around the swimming pool must remain as grass.

JLP:KK:sp

MILLER/DEPRM/TXTSBD

RE: PETITION FOR VARIANCE  
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N/S Turkey Point Road at W/S of Beck  
Avenue, 15th Election Dist.,  
5th Councilmanic Dist.

Harvey A. Miller and Betty K. Miller  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY  
CASE NO.: 94-453-A

94-453-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

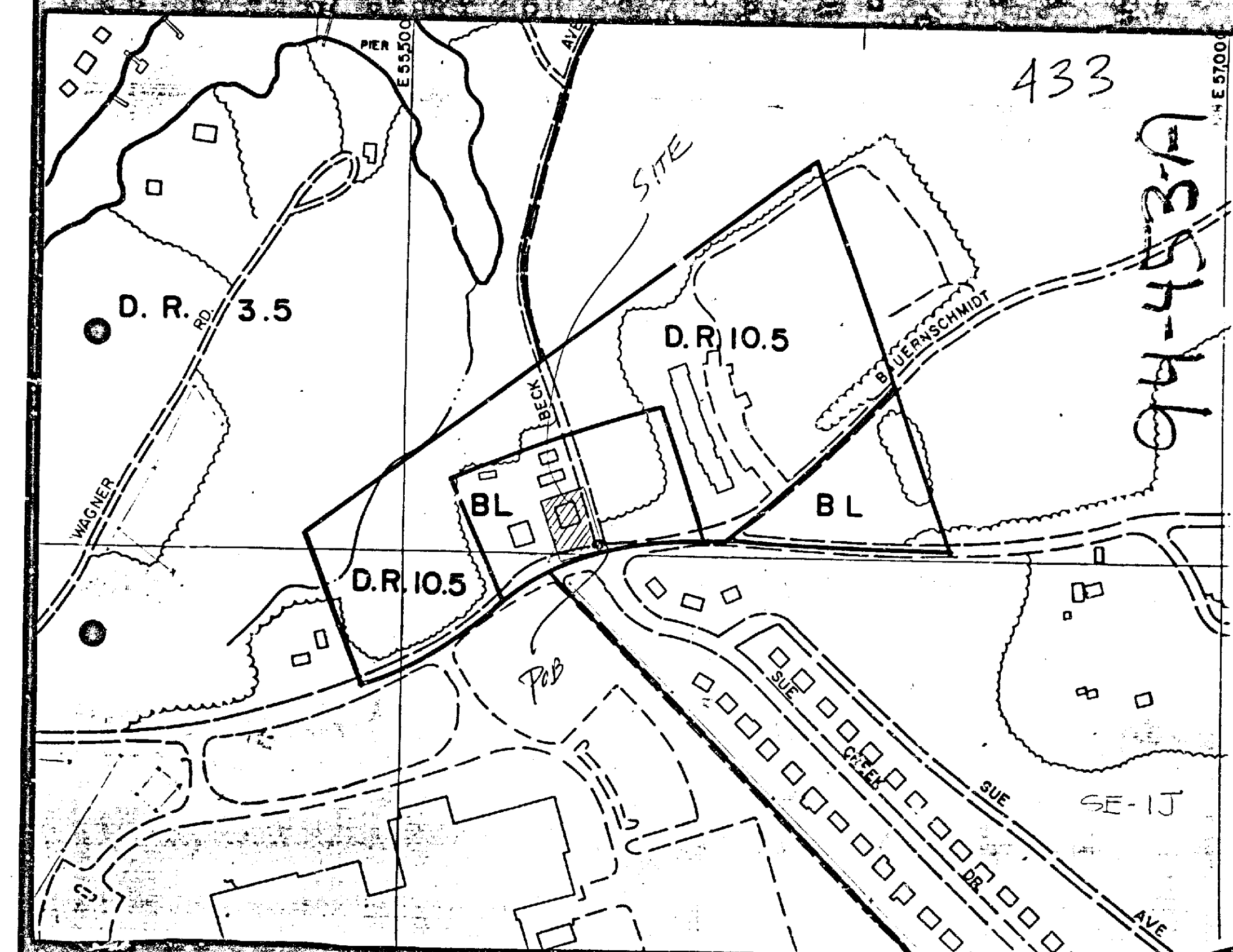
Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Harvey A. Miller and Betty K. Miller, 1816 Turkey Point Road, Baltimore, MD 21221, Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1816 TURKEY POINT RD

Subdivision name: NONE

Plat book# \_\_\_\_\_, folio# \_\_\_\_\_, lot# \_\_\_\_\_, section# \_\_\_\_\_

OWNER: HARVEY A. & BETTY K. MILLER

LIB 6578 FOR 458

SMSA 0720

ADJACENT RES. ZONE FOR

RES SETBACK APPLICATION IS

DR. 10.5 THIS SITE IS ZONED

BL

PETITIONER'S

EXHIBIT NO. 94-453

Runabout

BAR

BL

ZONED

EXISTING HOUSE - 1212 SFT

PROPOSED POOL - 389 SFT

TOTAL - 1601 SFT

NSA-03E

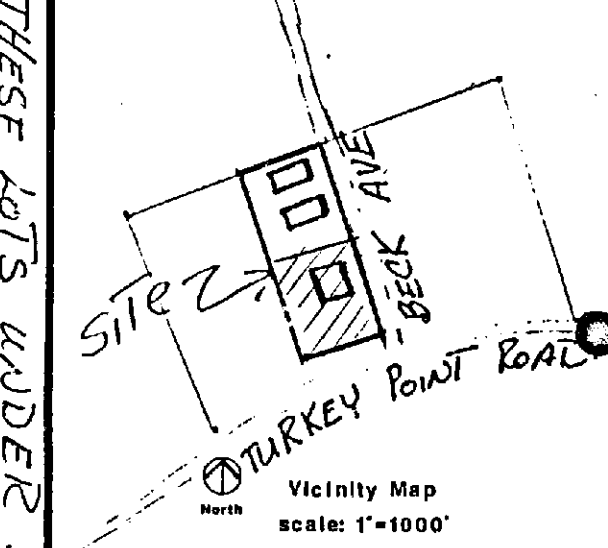
TURKEY POINT RD

Scale of Drawing: 1" = 30'

North

date: 5/19/94

prepared by: Harvey A. Miller



LOCATION INFORMATION

Election District: 15

Councilmanic District: 5

1"=200' scale map: SE 11

Zoning: BL

Lot size: 2071

acreage

9,020 SFT

square feet

SEWERS: ☒

WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: NA

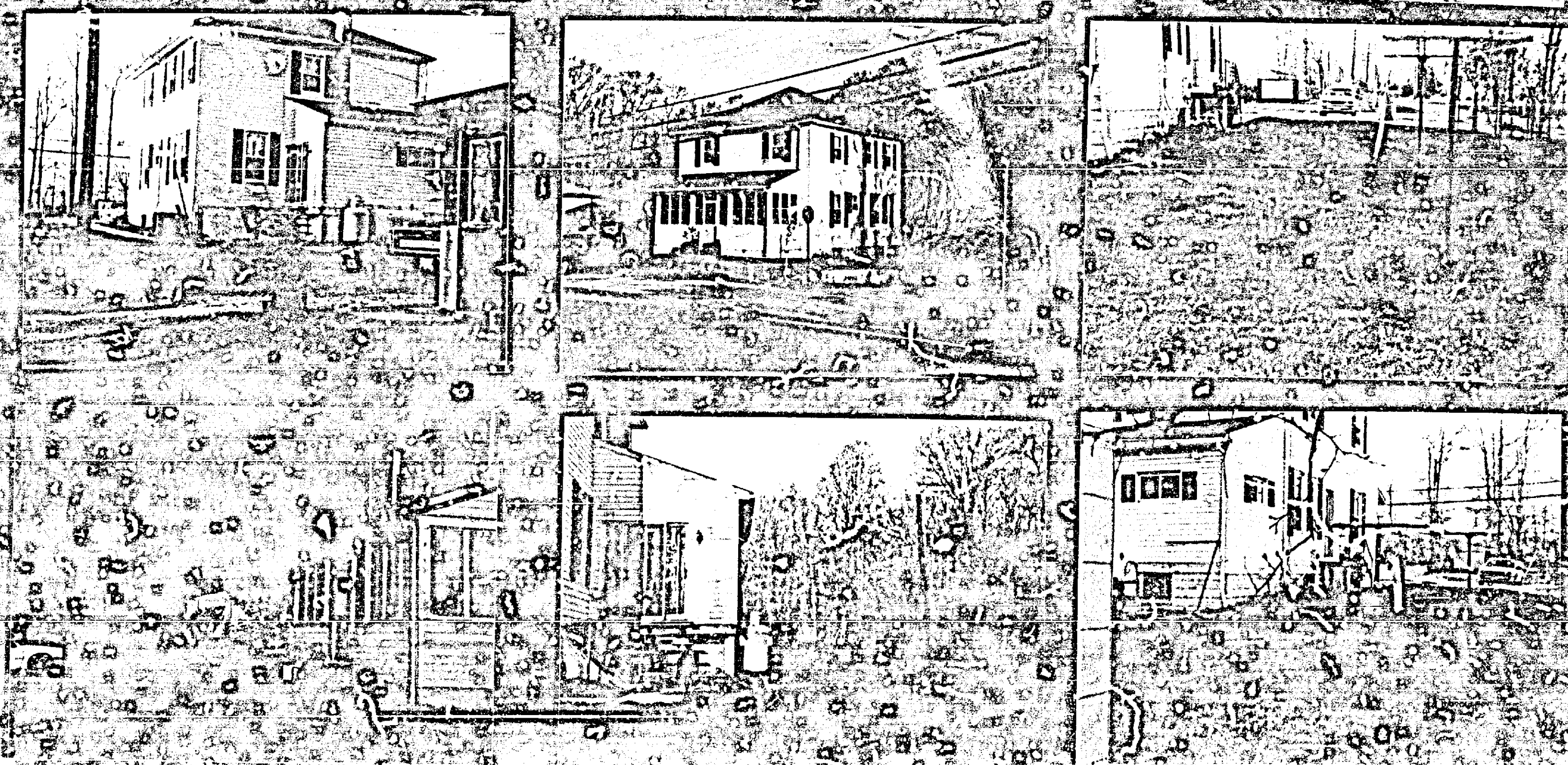
Zoning Office USE ONLY

reviewed by: ITEM #

453

CASE #

Petition  
Exhibit  
2A-214  
94-453A





**CRITICAL AREA** receipt

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

Account: R-011-6150  
Number: **A33**  
By: **ULL**

Date: **5/10/94**

1 RV FILING FEE GEN OIO \$50.00  
1 ZONING CODE 080 \$35.00  
TOTAL \$85.00

Please Make Checks Payable To Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**44-453-A**

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

*Carl J. Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: **433**  
Petitioner: **HARVEY A. MILLER**  
Location: **1816 TURKEY POINT ROAD**  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: **HARVEY A. MILLER**  
ADDRESS: **1816 TURKEY POINT ROAD**  
PHONE NUMBER: **410 391 5359**

**MUST BE SUPPLIED**

TO: POTTERY PUBLISHING COMPANY  
May 26, 1994 Issue - Jeffersonian

Please forward billing to:  
Harvey A. Miller  
1816 Turkey Point Road  
Baltimore, Maryland 21204  
391-5359

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-453-A (Item 433)  
1816 Turkey Point Road  
W/S Turkey Point Road at W/S of Beck Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): Harvey A. Miller and Betty E. Miller  
HEARING: WEDNESDAY, JUNE 22, 1994 at 9:00 a.m. Rm. 106 County Office Bldg.

Variance to permit a swimming pool attached to the rear and side of an existing dwelling (with a proposed deck) to have a rear setback of 2-1/2 feet and a side yard setback of 4 feet in lieu of the required 50 feet and 10 feet, respectively.

LAWRENCE E. SCHLITZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

MAY 20, 1994

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-453-A (Item 433)  
1816 Turkey Point Road  
W/S Turkey Point Road at W/S of Beck Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): Harvey A. Miller and Betty E. Miller  
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*Carl J. Jablon*  
Arnold Jablon  
Director

cc: Harvey and Betty Miller

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 13, 1994

Leslie M. Pittler  
Suite 610  
20 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Case No. 94-453-A, Item No. 433  
Petitioner: Ernie Lucas, Jr.  
Petition for Variance

Dear Mr. Pittler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 12, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**Zoning Plans Advisory Committee Comments**  
Leslie M. Pittler  
Date: June 13, 1994  
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,  
*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR:cm  
Enclosures

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

5-25-94

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No: **433 (JLL)**

**44-453-A**

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for *DAVID N. RANSBY, ACTING CHIEF*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: May 25, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. ~~432~~, 432, 433, 435, 436, 437, 438, 442 and 443.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*  
Division Chief: *Gary L. Pems*

PK/JL:lw

ZAC.431/PZONE/ZAC1

IN RE: PETITION FOR VARIANCE  
N/S Turkey Point Road at  
W/S of Beck Avenue  
(1816 Turkey Point Road)  
15th Election District  
5th Councilmanic District  
Harvey A. Miller, et ux  
Petitioners  
\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-453-A  
\*  
\* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1816 Turkey Point Road, located in the Essex area of southeastern Baltimore County. The Petition was filed by the owners of the property, Harvey A. and Betty K. Miller. The Petitioners seek relief from Sections 203.1 and 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) which is to be attached to the rear and side of an existing dwelling via a proposed deck to have a rear yard setback of 2.5 feet in lieu of the required 50 feet and a side yard setback of 4 feet in lieu of the minimum required 10 feet. The subject property and relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Harvey and Betty Miller, property owners. There were no Protestants.

Testimony and evidence presented revealed that the subject property consists of 9,020 sq.ft. zoned B.U. and is improved with a two-story, single family dwelling. The Petitioners are desirous of constructing a combination swimming pool with attached decking to the side and rear of the existing dwelling as shown on Petitioner's Exhibit 1. Because the dwelling sits far back on the lot, the requested variances are necessary

in order to proceed as proposed. Inasmuch as there were no Protestants present and there were no adverse comments submitted by any County review agencies, it appears that the relief requested should be granted.

It should be noted that this property is located within the Chesapeake Bay Critical Areas near Middle River and as such, is subject to compliance with Critical Areas legislation. As a condition to the relief granted herein, the Petitioners shall be required to comply with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to insure consistency with those regulations.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be

denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of July, 1994 that the Petition for Variance seeking relief from Sections 203.1 and 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) which is to be attached to the rear and side of an existing dwelling via a proposed deck to have a rear yard setback of 2.5 feet in lieu of the required 50 feet and a side yard setback of 4 feet in lieu of the minimum required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted by DEPRM dated June 13, 1994.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 13, 1994, attached hereto and made a part hereof.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 7/21/94  
By TMK

- 2 -

ORDER RECEIVED FOR FILING

Date 7/21/94  
By TMK

- 3 -

ORDER RECEIVED FOR FILING

Date 7/21/94  
By TMK

- 4 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 21, 1994

Mr. & Mrs. Harvey A. Miller  
1816 Turkey Point Road  
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE  
N/S Turkey Point Road at W/S of Beck Avenue  
(1816 Turkey Point Road)  
15th Election District - 5th Councilmanic District  
Harvey A. Miller, et ux - Petitioners  
Case No. 94-453-A

Dear Mr. & Mrs. Miller:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception, and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File



## Petition for Variance

433  
94-453-A  
to the Zoning Commissioner of Baltimore County  
for the property located at 1816 TURKEY POINT ROAD  
BALTIMORE MD 21221  
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 203.1 AND 1802.3.C.1 TO PERMIT A SWIMMING POOL ATTACHED TO THE REAR AND SIDE OF AN EXISTING DWELLING (WITH A PROPOSED DECK) TO HAVE A REAR SETBACK OF 2.5 FT AND A SIDE YARD SETBACK OF 4 FT IN LIEU OF THE REQUIRED 50 FT AND 10 FT RESPECTIVELY (SEE A BEHIND LAND ADJACENT TO A DR 10.5 FEET).  
THE ZONING REGULATIONS OF BALTIMORE COUNTY, TO THE ZONING LAW OF BALTIMORE COUNTY, FOR THE FOLLOWING REASONS: (Indicate hardship or practical difficulty)  
NOT ENOUGH DISTANCE BETWEEN REAR PROPERTY LINE AND BACK OF HOUSE TO ALLOW ERECTING OF SWIMMING POOL AND ADDRESSING DECK (WILL EXPAND VERBALLY AT HEARING)  
Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

(Type or Print Name)

Signature

Address

City

(Type or Print Name)

Signature

Address

City

Who do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

(Legal Owner(s))

HARVEY A. MILLER

BETTY K. MILLER

BETTY K. MILLER

1816 TURKEY PT ROAD

BALTIMORE MD 21221

STATE AS ABOVE

Address and phone number of representative to be contacted

Address

City

State

Zip

Phone No.

Address

City

State

Zip

Phone No.

Address

City

State

Zip

Phone No.

Address

City

State

Zip

Phone No.

Address

City

State

Zip

Phone No.

Address

City

State

Zip

Phone No.

94-453-A  
ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1816 TURKEY POINT ROAD BALTIMORE MARYLAND 21221 ELECTION DISTRICT 15TH COUNCILMANIC DISTRICT 5

BEGINNING AT A POINT ON THE NORTH SIDE OF TURKEY POINT ROAD WHICH IS 50 FT WIDE AND ALONG THE WEST SIDE INTERSECTION WITH BECK AVENUE WHICH IS 30 FT WIDE, THENCE THE FOLLOWING COURSES AND DISTANCES

N. 10° 15' W. 130 FT. THEN  
WEST 80 FT. THEN, S. 11° 05' E  
110 FT. THEN, N. 82° 03' E  
BACK TO THE POINT OF BEGINNING

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 94-453-A  
Towson, Maryland

District 15th Date of Posting 6/27/94  
Posted for Variance  
Petitioner Harvey & Betty Miller  
Location of property 1816 Turkey Point Rd., 14th  
Location of Signs Facing Turkey Pt. Property, Bay, Zone &  
Remarks None  
Posted by TMK Date of return 6/10/94  
Number of Signs 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., May 27, 1994  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 24, 1994.

THE JEFFERSONIAN,  
A. Henrichsen  
LEGAL AD. - TOWSON